

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>EMMANUEL HERNANDEZ,</b>	)	<b>CASE NO. 4:08CV2722</b>
	)	
<b>PLAINTIFF,</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>V.</b>	)	
	)	
<b>CCA, et al.,</b>	)	<b>ORDER ADOPTING REPORT</b>
	)	<b>AND RECOMMENDATION</b>
<b>DEFENDANTS.</b>	)	

This matter is before the Court upon Defendant Dana Orenic's ("Defendant") Motion to Dismiss. (Dkt. # 8). On March 18, 2009, this Court issued an order assigning this case to Magistrate Judge Benita Y. Pearson for general pre-trial supervision. (Dkt. # 7). On March 5, 2010, the Magistrate Judge issued a Report and Recommendation ("R&R"), recommending that the Court (1) *sua sponte* convert Defendant's Rule 12(b)(6) motion into a motion for summary judgment pursuant to Federal Rule of Civil Procedure 12(d); (2) grant the motion for summary judgment; and (3) dismiss the Plaintiff's cause of action with prejudice. (Dkt. # 42). On March 25, 2010, Plaintiff filed objections to the R&R. (Dkt. # 43).

The Court has reviewed the R&R *de novo*, and finds that it is well-supported. The Court has also reviewed Plaintiff's objections and finds that they are without merit.

Therefore, the Magistrate Judge's R&R is hereby **ADOPTED**. (Dkt. # 42). Defendant's Motion for Summary Judgment is **GRANTED** and Plaintiff's cause of action is hereby **DISMISSED** with prejudice. (Dkt. # 8).

**IT IS SO ORDERED.**

**/s/ Peter C. Economus – March 29, 2010**  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**